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CENTRAL INTELLIGENCE GROUP

~~INTELLIGENCE REPORT~~

127209

COUNTRY Germany (French Zone)

DATE: 25X1A6a

SUBJECT Gouvernement Militaire Directives to the German Administration of the Rheinland-Pfalz

INFO.
 DIST. 14 November 1947

25X1A6a

PAGES 3

ORIGIN

SUPPLEMENT

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SOURCE This information is the translation of a French directive to the German government of Rheinland-Pfalz concerning the application of Law No. 95, which was published in the Journal Officiel of Gouvernement Militaire in Germany. The directive given below was not published and was banned from publication by Gouvernement Militaire. The German text, [REDACTED]

25X1X6 [REDACTED] is obviously a translation from a French original. Because the German is so poor, it has been translated rather freely into English. 25X1X6

A similar directive from Gouvernement Militaire to the German government of Baden was given in a previous report.

Outline for the Execution of Law No. 95

Chapter I: Legislation by the Landtag

1. Matters Reserved for the French Supreme Command in Germany

The Landtag cannot pass any laws concerning matters reserved for the French Supreme Command in Germany. It is natural, however, for the government or a member of the government to draw the attention of Gouvernement Militaire to facts or wishes of the population or administration concerning reserved matters. Logically, according to the letter of Law No. 95, it must be admitted that the Landtag expresses wishes in these fields and charges the government with forwarding these wishes to the French authorities.

However, to avoid discussion in the Landtag of matters which are not suitable for public deliberations because of prestige or expedience, it is considered necessary for the Landtag bureau to forward to Gouvernement Militaire all documents and material concerning matters reserved to the French Supreme Command; this is to enable the French authorities to decide whether the Landtag can be allowed to handle them.

2. Matters Left to the Authority of the Landtag

In these matters the Landtag has the authority to legislate.

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Nevertheless, the fact remains that the legislative powers of the Control Council are the supreme authority for all of Germany and that the French supreme commander in Germany, in his capacity as zonal legislative authority, supersedes the legislative authority of the Landtag. Cooperation between the French authorities and the Landtag is particularly desirable regarding the obligation to ask Gouvernement Militaire approval prior to the publication of a law. The following rules should insure the maintenance of such cooperation:

- 1) Every draft concerning a matter left to the authority of the Landtag should be communicated to Gouvernement Militaire as soon as it is conceived within the parliamentary commission.
- 2) Gouvernement Militaire representatives should communicate the necessary remarks and advice to the commission charged with the elaboration of laws, either through the intermediation of a Minister or through personal contact with the commission.

To summarize, it may be stated that any discussion of matters left to the Landtag should be permitted by Gouvernement Militaire services and that the President of the Landtag should be personally responsible for setting up agenda in accordance with Gouvernement Militaire directives.

All discussions of matters falling within the competence of the Landtag should occur under the surveillance of Gouvernement Militaire representatives, and the Landtag should express itself on the texts approved by both the German government and the French authorities.

Chapter III: Appointment of Officials

1. Basic Rules

Although Law No. 95 does not provide any restriction of the authority of the German government to appoint officials or to take administrative measures on their behalf, it is necessary to establish rules of supervision to guarantee the right of Gouvernement Militaire to grant or refuse consent on important matters which the civil government may contemplate. The following procedure should be used:

- 1) Any decision concerning officials of the lower and medium levels can be made without consulting Gouvernement Militaire, on condition, however, that these officials have denazification certificates or come under the youth amnesty or have not been members of any of the organizations named in the footnote, and that the measures stipulated in the denazification certificate have been carried out.
- 2) Concerning the following German officials, German authorities can decide without consulting Gouvernement Militaire: officials of medium-high level (mittlerer gehobener Dienst) and of superior level, up to and including the rank of council (Rat), with the exception of the provincial councils (Landrat). The following decisions can be made:
 - a. Any transfer not changing the financial status of the official. By financial status is meant base pay without local compensations such as, for example, compensations for officials not living with their families.
 - b. Any decision concerning officials in the following categories:
 - Those born in Rheinland-Pfalz
 - Those who have been denazified or who come under the youth amnesty or who have not been members of any of the organizations named in the footnote
 - Those who have not been active military personnel
 - Those who were not stationed in any of the countries occupied by the German army during the war except as members of combat units

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- 3) German authorities may not decide on any measure concerning officials of rank superior to that of council or those for provincial councils without prior consent of Gouvernement Militaire.

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Comment: Organizations mentioned in the footnote include: NSDAP SS, SA, HJ under 14 years, NSKK from the rank of Sturmführer on, VDA after 1 January 1936, Colonial League after 1 January 1936, Aboerrenbund, German Christians, Deutsche Glaubensbewegung.)

2. Remarks on Keeping Matriculation Cards

It is understood that before taking any measure concerning an official, the German authorities are to inform the service controlling the official, if they plan to take measures without prior consultation with Gouvernement Militaire. Concerning the appointment of a person who has not been an official previously, the procedure employed will be regulated by the assumption that he has been an official in the district where he has legal residence.

In the case of persons not legally residing in Rheinland-Pfalz, the German authorities will address themselves to the competent service of the Délégation Générale. In cases where prior Gouvernement Militaire consent is needed, the German authorities address the Délégation of Gouvernement Militaire which has been previously competent for the official. If the German authorities see fit, however, they can also address themselves to the Délégation Générale.

French services will proceed as follows:

Every Délégation which is informed by the German authorities of a transfer or which is asked for a decision will see that the matriculation card of the official in question is completed and, moreover, if possible, that the higher Délégation or the Délégation in the new locality is informed of the decision. This will be done if the decision concerns the transfer of the official's activity into the area of another Délégation or to the level of a higher Délégation. It will also be done if the official's rank exceeds the maximum:

For District Délégations - the highest rank in the medium level, that is, Obersekretär.

For Bezirk and provincial Délégations - up to but not inclusive of the rank of council.

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